

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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		:
HARBINGER F&G, LLC,		: No. 12-civ-5315 (RA)
		:
Plaintiff,		: ECF Case
v.		:
		:
OM GROUP (UK) Limited,		:
		:
Defendant.		:
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**NOTICE OF MOTION FOR SUMMARY JUDGMENT**

**PLEASE TAKE NOTICE** that, upon the accompanying Memorandum of Law, Statement of Undisputed Material Facts pursuant to Local Civil Rule 56.1, and the Declarations of Konstantinos (Gus) Cheliotis, Michael D. Devins, Phillip J. Gass, Jean-Francois Lemay, Eric L. Marhoun, Ralph S. Tyler, Laird Zacheis, Olga Kaplan and the exhibits attached thereto, Plaintiff/Counterclaim Defendant Harbinger F&G, LLC (“Harbinger”), by and through its counsel, Debevoise & Plimpton LLP, moves this Court, pursuant to Fed. R. Civ. P. 56, for an order granting summary judgment against Defendant/Counterclaim Plaintiff OM Group (UK) Limited (“OM”), finding OM liable for breach of the Stock Purchase Agreement and awarding Harbinger a Post-Closing PP Reduction of \$50 million and such other and further relief as the Court may deem just and proper.

Harbinger also moves for an order granting summary judgment on all three counterclaims asserted against Harbinger.

Dated: New York, New York,  
October 4, 2013

Respectfully submitted,

DEBEVOISE & PLIMPTON LLP

/s/ Daniel M. Abuhoff

Daniel M. Abuhoff

Olga Kaplan

Sok T. Tea

dmabuhof@debevoise.com

okaplan@debevoise.com

sttea@debevoise.com

919 Third Avenue

New York, New York 10022

212.909.6000

*Counsel to Plaintiff Harbinger F&G, LLC*